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Attorneys for Defendant and Counterclaim
Plaintiff APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELAN MICROELECTRONICS
CORPORATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 09-cv-01531 RS

**STIPULATION AND [XXXXXXXXXXXXX]
ORDER MODIFYING AMENDED
PROTECTIVE ORDER**

WHEREAS, on March 29, 2010, Elan Microelectronics Corporation (“Elan”) filed a Complaint with the United States International Trade Commission (the “Commission”) under Section 337 of the Tariff Act of 1930 as Amended, naming Apple, Inc. (“Apple”) as a proposed respondent;

WHEREAS, on April 23, 2010, the Commission instituted an investigation based on the Complaint pursuant to 19 U.S.C. § 1337, currently pending as *In the Matter of Certain Electronic Devices With Multi-Touch Enabled Touchpads and Touchscreens*, Investigation No. 337-TA-0714 (the “ITC Action”);

WHEREAS, documents and other discovery included Protected Material, as that term is defined in the Amended Protective Order, Dkt. 62, may be discoverable in the ITC Action; and

WHEREAS, the parties wish to avoid requesting and producing duplicate discovery.

NOW, THEREFORE, the Parties stipulate and ask the Court to order as follows:

Notwithstanding the provision of paragraph 6(a) of the Amended Protective Order, Protected Material produced in discovery in the present case may be used in the ITC Action provided that such material be treated as Confidential Business Information or Confidential Business Information – Source Code as appropriate under the terms of the protective order in the ITC Action.

DATED: May 28, 2010

Respectfully submitted,

ALSTON & BIRD LLP

By: /s/ Sean P. DeBruine

Sean P. DeBruine
Attorneys for Plaintiff and Counterdefendant
ELAN MICROELECTRONICS CORPORATION

DATED: May 28, 2010

WEIL, GOTSHAL & MANGES LLP

By: /s/ Sonal N. Mehta

Sonal N. Mehta
Attorneys for Defendant and Counterclaim Plaintiff
APPLE INC.

[PROPOSED] ORDER

PURSUANT TO STIPULATION IT IS SO ORDERED

DATED: June 2, 2010



The Honorable Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Sean P. DeBruine, attest that concurrence in the filing of this document has been obtained.

/s/ Sean P. DeBruine

Sean P. DeBruine

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